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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,536	06/10/2005	Wolfgang Rohde	LU 6075 (US)	4252
34872	7590	05/05/2008		
Basell USA Inc. Delaware Corporate Center II 2 Righter Parkway, Suite #300 Wilmington, DE 19803			EXAMINER NGUYEN, CAM N	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 05/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Status of an RCE Application

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after the final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 10/30/07 has been entered.

Response to Amendment

2. The amendment filed on 03/03/08 has been made of record and entered.
There were no changes made to the claims in the amendment.
Claims 1-9 are currently pending in this application for consideration.

Claim Rejections - 35 USC § 102(b)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by McDaniel (US Pat. 4,301,034).

McDaniel discloses a method of preparing a catalyst comprising: combining a silicate ester and water by slowly adding said ester and said water to a solvent-water-sulfuric acid catalyst mixture which mixture contains said solvent in an amount within the range of 0.1 to 10 volume percent, after the hydrolysis is complete adding an alcohol soluble titanium compound, thereafter adding additional water and holding at an elevated temperature for 1 to 5 hours to permit particle growth, adding a chromium compound soluble in the reaction mixture and thereafter introducing ammonia to bring about gelation, thereafter aging at reflux temperature for 1 to 2 hours, removing the water and solvent and drying the resulting silica (see col. 13- col. 14, claim 42). The solvent is alcohol and suitable alcohol solvents including methanol (see col. 14, claim 46 & col. 2, ln 51). The method further comprising activating the silica resulting after said water and solvent have been separated by heating in air at a temperature within the range of 315 to 760°C (see col. 14, claim 43). Suitable chromium compounds including chromium III nitrate (see col. 5, ln 40). Suitable titanium compounds including titanium tetraisopropoxide (see col. 14, claim 44). See also Example I at col. 7 of the reference, which teaches to use 18 g of water and 107.5 g of 2-butanol (solvent), which provides for about 16% of water, which meets the claimed water content being required in the instant claim 1. See also other Examples in the reference for further details.

There is no patentable distinction seen between the claimed process and that disclosed by McDaniel. Thus, the claims are anticipated by the teaching of the reference.

Response to Applicants' Arguments

4. The remarks filed on 03/03/08 has been fully considered, but not deemed persuasive in view of the new ground of rejection(s) and/or objection(s) above and the following reasons.

Applicants' argument regarding the Schneider et al. (US Pat. 7,019,089 B2) reference is found persuasive, thus the rejection made over this reference in the last office action has been removed.

Citations

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared attached.

Conclusion

6. Claims 1-9 are pending. Claims 1-9 are rejected. No claims are allowed.

Contacts

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Primary Examiner

Art Unit: 1793

/C. N. N./

Primary Examiner, Art Unit 1793

May 02, 2008